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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CAVISHA OM UNIQUE JACKSON,

Plaintiff,

vs.

KEY INSURANCE COMPANY, a foreign
corporation; DOE I through X, inclusive; ROE
CORPORATIONS I through X, inclusive,
Defendants.

Case No. : 2:23-cv-01036-JAD-DJA

**PROPOSED JOINT DISCOVERY PLAN
AND SCHEDULING ORDER:**

Submitted in Compliance with LR 26-1(b)

Pursuant to Federal Rule of Civil Procedure 26(f) and Local Rule 26-1, the parties submit their proposed Discovery Plan and Scheduling Order. Deadlines that fall on a Saturday, Sunday, or legal holiday have been scheduled for the next judicial day.

1. **Meeting:** Pursuant to FRCP Rule 26(f) and LR 26-1, a meeting was held on August 25, 2023, and was attended telephonically by Michael Kane, Esq., of THE702FIRM, for Plaintiff; Philip Goodhart, Esq. of THORNDAL ARMSTRONG, PC, for Defendant KEY INSURANCE COMPANY.

2. **Initial Disclosures:** The parties shall make all disclosures required by Rule 26(a)(1) by September 21, 2023 and will immediately engage in discovery.

3. **Areas of Discovery:** The parties agree that the areas of discovery should include, but not be limited to: all claims and defenses allowed pursuant to the Federal Rules of Civil

1 Procedure.

2 4. **Discovery Plan:** The parties jointly propose to the Court the following discovery
3 plan:

4 A. **Discovery Cut-off Date(s):** Defendant filed its Answer to Plaintiff's
5 Complaint on July 31, 2023 (ECF No. 6). As such, the parties request that discovery closes on
6 March 29, 2024.

7 B. **Amending the Pleadings and Adding Parties:** The parties shall have until
8 December 30, 2023, to file any motions to amend the pleadings to add parties. This is 90 days
9 before the discovery cut-off date.

10 C. **FRCP 26(a)(2) Disclosure of Experts:** Disclosure of experts shall proceed
11 according to FRCP Rule 26(a)(2) and LR 26-l(e)(3) as follows: the disclosure of experts and their
12 reports shall occur on or before January 29, 2024. The disclosure of rebuttal experts and their
13 reports shall occur on or before February 28, 2024. The expert disclosure deadline is 60 before the
14 discovery cut-off date and the rebuttal expert disclosure deadline is 30 days after the initial expert
15 disclosure deadline.

16 D. ~~**Interim Status Report:** The parties shall file the interim status report by~~
17 ~~January 29, 2024, 60 days before the discovery cut-off date, as required by LR 26-3.~~

18 E. **Dispositive Motions:** The parties shall have until April 29, 2024, to
19 file dispositive motions. This is 30 days after the discovery cut-off date, as required by LR 26-1
20 (e)(4).

21 F. **Pre-Trial Order:** The parties will prepare a Consolidated Pre-Trial Order
22 on or before May 29, 2024, which is not more than 30 days after the date set for filing dispositive
23 motions in the case, as required by LR 26-l(e)(5). This deadline will be suspended if dispositive
24 motions are timely filed until 30 days after the decision of the dispositive motions or until further
25 order of the Court. The disclosure required by FRCP Rule 26(a)(3), and objections thereto, shall
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1 be included in the pre-trial order.

2 G. **Court Conferences:** If the Court has questions regarding the dates
3 proposed by the parties, the parties request a conference with the Court before entry of the
4 Scheduling Order. If the Court does not have questions, the parties do not request a conference
5 with the Court.

6 H. **Extensions/Modifications of the Discovery Plan and Scheduling Order:**
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8 Under LR 26-4, any stipulation or motion to extend the discovery cut-off period should be
9 made no later than January 8, 2024, 21 days before the discovery cut-off date.

10 I. **Authorizations:** It is agreed that Plaintiffs will provide Defendants with:
11 HIPAA Complaint Authorizations for the Release of Patient Information Pursuant to 45 CFR 164.

12 J. **Format of Discovery:** Pursuant to the electronic discovery amendments to
13 the Federal Rules of Civil Procedure effective December 1, 2006, the parties addressed the
14 ediscovery issues pertaining to the format of discovery at the Rule 26(f) conference. The parties do
15 not anticipate discovery of native files or metadata at this time, but each party reserves the right to
16 make a showing for the need of such electronic data as discovery progresses.

17 K. **Alternative Dispute Resolution:** The parties certify that they have met and
18 conferred about the possibility of using alternative dispute-resolution processes including
19 mediation, arbitration, and if applicable, early neutral evaluation.

20 L. **Alternative Forms of Case Disposition:** The parties certify that they
21 considered consent to trial by a magistrate judge under 28 U.S.C. section 636(c) and Fed. R. Civ.
22 P. 73 and the use of the Short Trial Program (General Order 2013-01);

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M. **Electronic Evidence:** The parties certify that they discussed whether they intend to present evidence in electronic format to jurors for the purposes of jury deliberations. The parties have not reached any stipulations in this regard at this time.

DATED on this 6th day of September, 2023.

THE702FIRM	THORNDAL ARMSTRONG, PC
<i>/s/ Michael Kane</i>	<i>/s/ Philip Goodhart</i>
MICHAEL C. KANE, ESQ. (10096) BRADLEY J. MYERS, ESQ. (8857) 8335 West Flamingo Road Las Vegas, Nevada 89147 <i>Attorneys for Plaintiffs</i>	PHILIP GOODHART, ESQ. (5332) 1100 East Bridger Avenue Las Vegas, NV 89101-5315 <i>Attorneys for Defendant</i> KEY INSURANCE COMPANY

IT IS SO ORDERED that the parties' Joint Discovery Plan and Scheduling Order is **granted in part** and **denied in part**. The plan includes an interim status report deadline and cites to LR 26-3. The Local Rules as amended on 4/17/2020 eliminated former Local Rule 26-3's requirement for Interim Status Reports. The Court will not approve an interim status report deadline as no such deadline exists under the amended Local Rules.

DATED: 9/7/2023

DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE